

Attny Docket No. S-0910-A (formerly RA-1728)

REMARKS

Claims 1-20 are in the case. The Examiner is thanked for the telephone interview on July 5, 2005 which clarified that the Shimizu reference document cited in the Office Action refers to Pat. No. 6,291,051. Also discussed was the acceptable manner of making corrections to the Figures and Specification.

Discussion of the amendments to the Written Description and Figures

Amendment to the Specification is made to the paragraph beginning on page 3, line 20 to correct the typographical error in designating a reference numeral for the basin 14. Support may be found at least on page 3, line 25 of the Specification as originally filed. Also, this paragraph is amended to include a reference to Figure 2 as showing features of the hinge 18. Support for this amendment can be found at least at Figure 2 of the Specification as originally filed.

Amendment to the Specification is made to the paragraph beginning on page 4, line 9 to correct obvious grammatical errors.

Amendment to the Specification is made to the paragraph beginning on page 4, line 23 to make clear the designation of the interior basin 20. Support for this amendment can be found at least at page 4, lines 16-17.

Amendment to the Specification is made to the paragraph beginning on page 5, line 7 to correct an incorrect designation of inner wall 20a, to properly associate reference numeral 10 with the automatic hair washing device of the invention, and to correct a grammatical error. Support for the first two of these amendments can be found at least in the Specification at page 5, lines 4-7 and page 3, lines 22-25, respectively.

Amendment to the Specification is made to the paragraph beginning on page 5, line 17 to correct a grammatical and spelling error and to make clear the designation of the interior basin 20 in several places. Support for this amendment can be found in the Specification at least at page 4, lines 16-17.

Amendment to the Specification is made to the paragraphs beginning on page 7, line 23 and page 8, line 24 where a problem of duplicate use of the same reference numeral for the shelf and the

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top of the cabinet is overcome by designating the shelf as shelf 13c. Figure 3 has also been amended in this regard.

Amendment to the Specification is made to the paragraph beginning on page 8, line 11 where a problem of duplicate use of the same reference numeral for the rotatable dial and for a conductive wire is overcome by designating the rotatable dial as rotatable dial 69. Figure 5 is also amended in like manner.

Amendment to the Specification is made to the paragraph beginning on page 9, line 9 where a problem of duplicate use of the same reference numeral for the joining member and for the cable of bundled wires is corrected by designating the cable of bundled wires as 45b. Figures 1 and 2 are likewise amended.

Figure 3 is also amended to correct incorrect use of 38b to call attention to different structures. One of these numerals has been amended to relate to pipe 38d. Support for this amendment can be found at least at page 6, lines 20-22 of the Specification.

Figure 6 is amended to better position reference numeral 22 and arrow for clarity that it designates a preferred nozzle assembly. Support for this amendment can be found at least at page 5, lines 7-8 of the Specification.

None of the foregoing amendments adds new subject matter.

Discussion of the Amendments to the Claims

Claims 1 -6 are amended to better claim the interaction of the elements of the invention. Support for the amendment to Claim 1 can be found in the Specification at least at page 5, lines 12-15, in Figures 1, 2 and 6 and in Claim 1 as originally filed. The amendment to Claim 2 is supported by Claim 2 as originally filed, as well as by the Specification at least at page 3, lines 10-12. The amendment to Claim 3 is supported in the Specification at least at page 5, lines 8-16 and by Claim 3 as originally filed.

Support for the amendment to Claim 4 can be found in the Specification at least at page 4, line 23 to page 5, line 16, and in Claim 4 as originally filed. Support for the amendment to Claim 5 can be found in the Specification at least at page 6, line 25 to page 7, line 9, Figures 2, 3 and 5 and Claim 5 as originally filed. Support for the amendment to Claim 6 can be found in the Specification

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at least at page 4, lines 9-15, Figure 2 and Claim 6 as originally filed.

Support for new Claim 7 can be found in the Specification at least at page 2, lines 22-24 and Figure 2. Support for new Claim 8 can be found in the Specification at least at page 3, lines 22-25 and Claim 1 as originally filed. Support for new Claim 9 can be found in the Specification at least at page 4, line 5-7 and in Figures 1 and 2. Support for new Claims 10 and 11 can be found in the Specification at least at page 3, lines 16-19, page 4, lines 17-18 and Figure 4. Support for new Claims 12 and 13 can be found in the Specification at least at page 4, lines 22-22.

Support for new Claims 14-20 can be found at least in Claims 1-6 as originally filed, Figures 1, 2, 4 and 6, and in the Specification at page 3, line 20 to page 5, line 24.

No new subject matter was added by these claim amendments or additional claims. No additional fees were generated by these additional claims. An executed Supplemental Declaration is attached hereto.

Traverse of the Office Action Rejections

Item 1.

The objection to Figure 3 because 38b on the lower right should read -38d- has been overcome, by amendment to Figure 3. Appended to this Reply are four (4) Replacement Sheets and four (4) Marked Up Copies which provide amended Figures 1-6 as per 37 CFR 1.84(c) and 1.121(d).

Item 2.

The rejection of Claims 1-6 under 35 U.S.C. 112, first paragraph is deemed to have been obviated by amendment to Claims 1 and 3 which clarify which portions of the automatic hair washing device of the invention rotate. The Claims as amended are believe to meet the requirements of the statute, and the rejection should be withdrawn.

Item 3

The rejection of Claims 1-5 stand rejected under 35 U.S.C. 102(e) as being anticipated by US 2004/2061169 A1("Matsunaga et al."). Applicant respectfully traverses this rejection.

Matsunaga et al. is not a proper anticipatory reference under section 102(e) since it does not

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meet the requirements of the statute. Section 102(e) states:

A person shall be entitled to a patent unless

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(Emphasis supplied)

Matsunaga et al. is a published US application having a date of publication of December 30, 2004, which is later than the filing date of the present Application, filed on November 18, 2003. Thus Matsunaga et al. does not meet the requirements of 102(e)(1). In addition Matsunaga et al. does not fall within the exception clause of section 102(e) because *PCT/JP02/10311*, which is the international application corresponding to Matsunaga et al., *was not published in English*. A copy of the first page of *PCT/JP02/10311* is attached for the Examiner's convenience. Furthermore, the Abstract of *PCT/JP02/10311*, while it is in English, is non-anticipating of the Claims as presently in the Application, since it does not mention, at the least, a plurality of nozzle assemblies or a hood rotatably connected to the basin of an automatic hair washing device. Thus the section 102(e) rejection is improper and should be withdrawn. In addition, the PCT application, *PCT/JP02/10311*, forming the basis of Matsunaga et al. cannot properly serve as a section 102(a) reference against the present application. The present application claims priority to provisional application 60/444,694, filed on February 4, 2003 which pre-dates the publication date of *PCT/JP02/10311* of April 17, 2003.

Item 4

Claim 6 stands rejected under 35 U.S. C 103(a) as being unpatentable over Matsunaga et al. and U.S. Pat. No. 6,291,051 B1 ("Shimizu"). This rejection for obviousness likewise fails due to the removal of Matsunaga et al. as a proper prior art reference as explained above. Since no combination of properly cited references teaches all of the elements of present Claim 6, the rejection of Claim 6 is improper and should be withdrawn.

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It is believed that the case is in condition for allowance. Further and favorable action is solicited. If matters remain requiring further consideration that may be expedited by discussion, the Examiner is requested to telephone the undersigned at the number given below so that such matters may be discussed and, if possible, promptly resolved.

Respectfully submitted,

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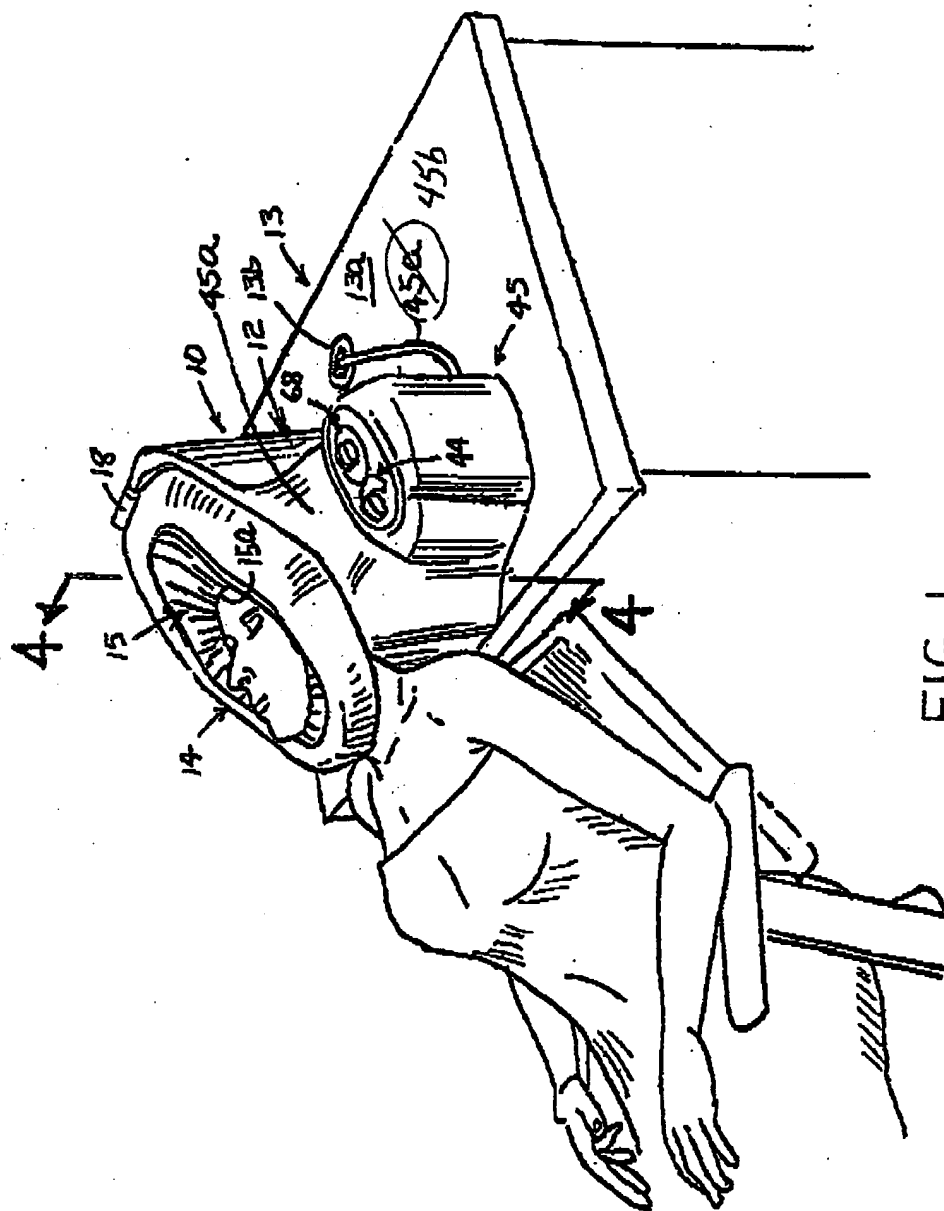
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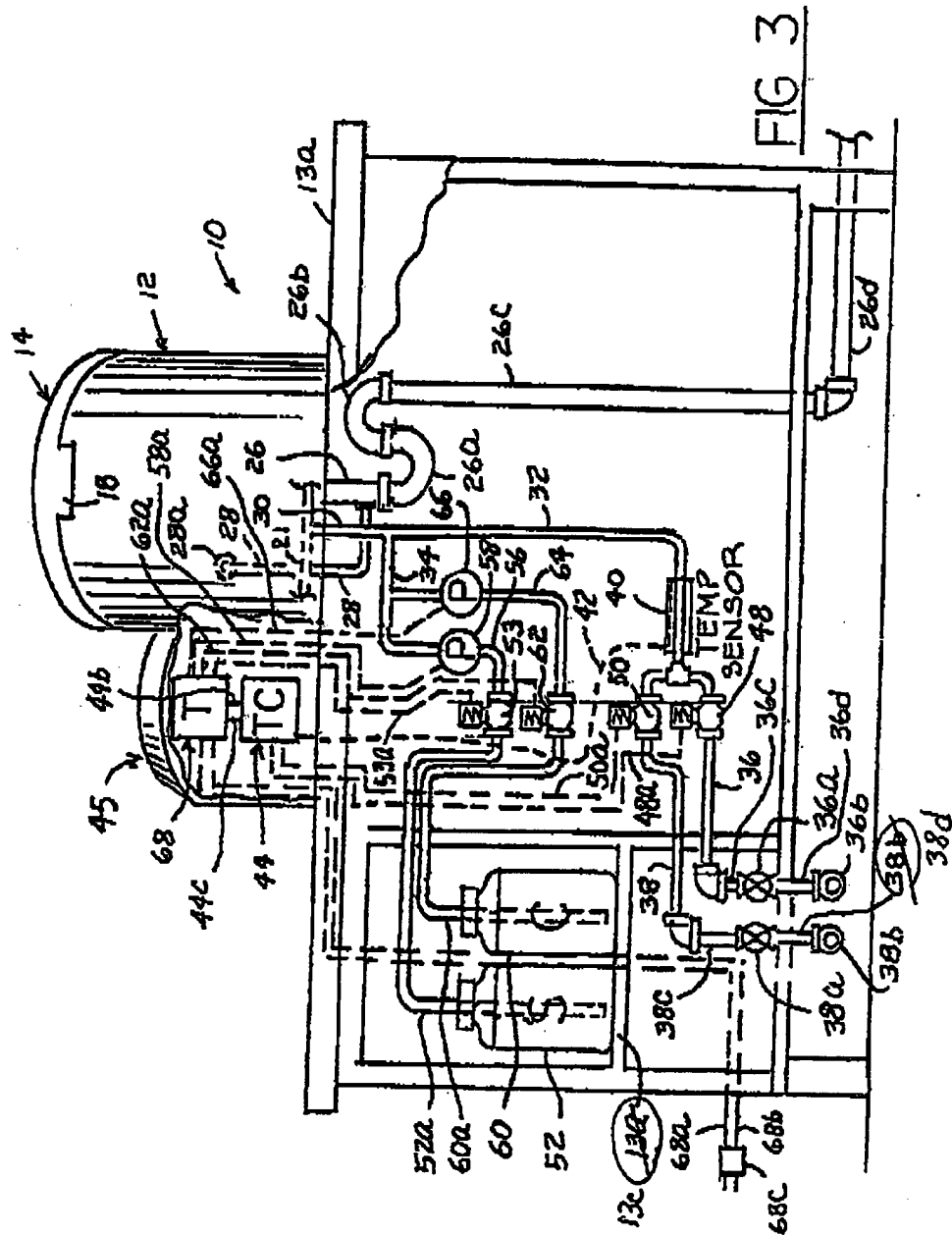
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Gina R. McRitt
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